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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,668	03/05/2002	Carolynn Rae Johnson	PU010115	8779

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/090,668	Applicant(s) JOHNSON, CAROLYNN RAE	
	Examiner KIEU-OANH T. BUI	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/22/05 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5, and 7-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-8, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (U.S. Patent No. 5,684,918) in view of Hancock et al (U.S. Patent 6,701,523 B1).

Regarding claims 1 and 16-17, Abecassis discloses an apparatus and its corresponding method "for selectively controlling access to specific television programs, comprising: setting a rating limit corresponding to a first user input; setting an exception to said rating limit corresponding to a second user input; receiving information for identifying a specific television

Art Unit: 2611

program and for specifying a rating of said specific television program; comparing said rating of said program with said stored rating limit; determining whether an exception to said rating limit has been set for said specific television program identified by said received program identifying information; and controlling access to said specific television program in response to the results of the steps of comparing and determining”, i.e., in a television/video delivery system (Fig. 9, and col. 15/line 59 to col. 16/line 3), a user interface provides the user to select or choose a viewing preference (Fig. 4A and col. 16/lines 4-24) based on content ratings of the programs or segments of programs according to MPAA ratings (Fig. 1D and col. 7/line 62 to col. 8/line 3) and even more further details on content ratings (as shown in Figs. 1A-1C and col. 10/lines 29-41), the user can set a rating limit as at a first input and then can set an exception to said rating limit, such as whether to view an R rated program, and within that program setting an exception that “bloodshed” can be omitted in the user’s viewing of the video (as shown in Fig. 4A, col. 10/lines 29-41, and col. 16/lines 4-16); and the user’s setting is stored as personal profiles such as a parent can modify their children’s profile (Fig. 4D, and col. 17/lines 30-62); each program or each segment has a rating code from the producer (Figs. 1A-1D, and col. 8/line 58 to col. 9/line 30), and the comparison is performed between the producer’s rating codes and the setting (rating content) viewing preferences from the user with the use of a video segment map for providing correct viewing preferences to the user (col. 11/line 27-65).

Abecassis does not clearly show the step of “wherein said exceptions from said rating limits define programs which shall be blocked or enabled independently to said set rating limits”; however, in a same environment of a television/video delivering system using an EPG program guide, Hancock teaches that a first user can customize setting the global block/unblock program

Art Unit: 2611

control which defines which program with associated contents can be blocked, unblocked or enabled independently to the set rating limits, and a second user input can further set an exception to the rating limit, for instance, as shown in Figs. 4-5 of Hancock, different users with different customized profiles can access and control the program guide display based on rating contents, and whoever has a master password or an administrator password can modify and set exceptions to other users' rating limit whether to block/unblock or control the display of specific television programs (refer to Hancock, col. 8/lines 14-41, Figs. 21-23 & 24a & 24b), as shown in Figs. 24a & 24b & 25, the master can either block or unblock some programs independently based on ratings codes (TV-14 or unrated and etc.) and/or content code 114 and/or exceptions in times if prefer (Fig. 25, and col. 11/line 65 to col. 12/line 13). If the Master likes to unblock or has some exceptions to some preset settings, i.e., watching a pay-per-view program, he/she can do it (col. 16/line 10 to col. 17/line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abecassis' system with Hancock's teaching technique of dynamically setting and controlling the rating limits in order to define programs which shall be blocked or enabled independently to set rating limits as exceptions performed from a second user.

As for claim 2, in view of claim 1 above, Abecassis discloses "wherein said information for specifying at least one rating of a program and for identifying said program is received together with said program" (Fig. 1D & Fig. 4A and see claim 1 above).

As for claim 3, in view of claim 1 above, Abecassis discloses "wherein said rating limits are used in a parental control system" (Fig. 4D, col. 17/lines 30-62 for parental control addressed).

Art Unit: 2611

As for claim 4, in view of claim 1 above, Hancock further addresses “wherein said television programs are received as an analogue television signal and said ratings are received embedded in the vertical blanking interval of said analogue television signal” (Hancock, col. 1/lines 25-42 as VBI is used to convey content codes).

As for claim 5, in view of claim 3 above, Abecassis inherently discloses “wherein the ratings define the age of the viewer the specific television program is designed for, the degree of a certain program content, or a combination thereof” because categories as “Mom”, “Dad”, “Teen” and “Child” profiles defines the range of ages of the viewer (Fig. 4D), and the degree of a certain program content (shown in Fig. 4A for level 1 to 4 for “violence” or “profanity”).

(Claim 6 was cancelled).

As for claims 7 and 8, in view of claim 1 above, Abecassis discloses “wherein a never block program list specifies certain programs that should never be blocked, even if these programs exceed the rating limits” and “wherein an always block program list specifies certain specific television programs that should always be blocked, even if these programs do not exceed the rating limits” (as illustrated in Figs. 4F & 4G, programs can be selected by channels in category as “Movies” or “Sports” and/or can be searched by program titles, which can be set by the content as in Figure 8, which brings back to “content preferences” as shown in Figure 4E, whether to block or not to block it regardless of the rating limits of broadcast programs).

As for claim 15, in further view of claim 1 above, Abecassis discloses “wherein a set exception is valid for any following episode of a program series” (Fig. 4E and col. 10/lines 28-41, the content preference setting is applying to any program or any segment of a program series).

Art Unit: 2611

5. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (U.S. Patent No. 5,684,918) in view of Hancock as in claim 1 and further in view of Wood et al. (U.S. Pub 2002/0054752 A1).

Regarding claim 9, in further view of claim 1 above, Abecassis and Hancock do not address “wherein said exceptions are specified by metadata describing said specific television programs like the program title, actor name, director name or topic”; however, in a video data recorder with personal channels using channel guides related to content rating, Wood teaches a same technique of using metadata contains program information as program title, actor name, director name or topic (Wood, page 2/section 0026 and page 3/section 0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Abecassis and Hancock's system with Wood's teaching technique of using metadata contains those information as an additional option for the user to specify whether to include or exclude a certain attribute as described therein.

As for claim 10, in view of claim 9 above, the combination of Abecassis and Wood teaches “wherein said metadata specifying said exceptions are selected by the user from a dedicated list of metadata”, i.e., based on the metadata technique of Wood, the list of exceptions as illustrated by Abecassis (Figs. 4A, 4E, 4F & 4G) can be included the dedicated list of metadata.

As for claim 11, in view of claim 9 above, Abecassis discloses “wherein specific television program titles specifying said exceptions are selected by the user from a displayed EPG program schedule” (Fig. 4G for program titles displaying on EPG program schedule).

Art Unit: 2611

As for claim 12, in view of claim 9 above, Abecassis teaches “wherein said metadata specifying said exceptions are selected by marking a currently displayed specific television program” (Fig. 4A with the teaching of metadata as discussed in claim 9 earlier).

As for claim 13, in view of claim 12 above, Abecassis teaches “wherein the program title of the currently displayed program is stored as exception from said rating limits” (as illustrated in Figs. 4F & 4G, programs can be selected by channels in category as “Movies” or “Sports” and/or can be searched by program titles, which can be set by the content as in Figure 8, which brings back to “content preferences” as shown in Figure 4E, whether to block or not to block it regardless of the rating limits of broadcast programs).

As for claim 14, in view of claim 12 above, the combination of Abecassis and Wood teaches “wherein an overview of metadata describing the currently displayed program is displayed to the user and wherein one or more of said metadata are selected by the user and stored as exceptions from said rating limits” (see claims 1, 7-8, and 9).

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Art Unit: 2611

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
July 14, 2005